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Vincent Lue
1484 Owen Sound Drive
Sunnyvale, CA 94087

EXAMINER

HUYNH, CONG LAC T

ART UNIT	PAPER NUMBER
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2178

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08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/757,840

Applicant(s)

LUE, VINCENT WEN-JENG

Examiner

Cong-Lac Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,8-11,14-16,18-20,24-41,43 and 45-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 4-5, 8-11, 14-16, 18-20, 24-41, 43, 45-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: amendment filed 5/31/07 to the application filed on 1/14/04, domestic priority filed 1/27/03.
2. Claims 3, 6-7, 12-13, 17, 21-23, 42, 44 are canceled.
3. Claims 63-72 are added.
4. Claims 1-2, 4-5, 8-11, 14-16, 18-20, 24-41, 43, 45-72 are pending in the case. Claims 1, 4, 40 and 43 are independent claims.
5. The objection of claim 2 has been withdrawn in view of the amendment.
6. The 112, second paragraph rejections of claims 6-17, 21-28, 44-46, 49, 49, 51 have been withdrawn in view of the cancellation of claims 6-7 and 44.

Claim Objections

7. Claims 63 and 68 are objected to since the "has" after "the document elements" (line 1) is not correct.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1-2, 4-5, 8-11, 14-16, 18-20, 24-41, 43, 45-72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding independent claim 1, it is not clear what Applicants mean “the source document replacing the element to update the structure element” within “generating a source document from an element of a structured document in a markup language, the source document replacing the element to update the structure element.” The source document generated from an element of a structured markup document, and so includes said element. To update the structured document by replacing said element, said element in the structured document should be replaced. Therefore, it appears vague how the replacement is carried out by the source document whereas the two documents are separate.

Also in claim 1, it is not clear what Applicants mean “...suitable for input to a browser in a browser to render in a browser device” (lines 20-21).

Claim 40, which is the corresponding medium claim of method claim 1, is rejected under the same issue.

Dependent claims 2, 8-11, 14-16, 20, 24-28, 37-39, 63-67 are rejected for fully incorporating the deficiencies of their base claim 1.

Dependent claims 41, 45-46, 48-51, 60-62, 68-72 are rejected for fully incorporating the deficiencies of their base claim 40.

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In claim 63 and its corresponding medium claim 68, it is confusing what the order of the new document trees as claimed is. The new document elements are ordered according to the order, which is the order according to the source document and the updated structured document, and then are ordered based on the order of the new document elements.

Dependent claims 64-67 are rejected for fully incorporating the deficiencies of their base claim 63.

Dependent claims 69-72 are rejected for fully incorporating the deficiencies of their base claim 68.

Regarding independent claim 4, it appears improper that "the at least one new document tree comprises one or more new tree nodes including one root node and one or more leaf nodes ..." (lines 22-24). Since the document tree has one root node and one or more leaf nodes, which means it has more than one tree nodes, the case of the new document tree comprises one tree node is impossible.

Claim 43, which is the corresponding medium claim of method claim 4, is rejected under the same issue.

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Dependent claims 5, 18-19, 29-36 are rejected for fully incorporating the deficiencies of their base claim 4.

Dependent claims 47, 52-59 are rejected for fully incorporating the deficiencies of their base claim 43.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-2, 25, 38-41, 50, 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richard (US 2002/0073119, 6/13/02, filed 7/11/01) in view of Easwar (US 2007/0009179, 1/11/07, priority 10/18/02).

Regarding independent claim 1, Richard discloses:

- generating a source document from an element of a structured document in a markup language, the source document replacing the element to update the structured document ([0097], [0102]-[0104]: the output document is written from an element of the tree of a document, which is a structured document in a markup language where the output document replacing the element to update the structured document)
- building a document tree including a plurality of tree nodes associated with document elements from said source structured document and the updated structured document ([0041]-[0042], [0046]-[0048])
- generating a plurality of new document trees from said document tree such that said new document trees are ordered and hierarchically linked, the new document trees being associated with new document elements ([0035], [0049], [0085]: tree-to-tree conversion shows generating a tree from one tree where it is clear such a document tree is ordered, hierarchically linked, and associated with document elements)
- each node of the document tree satisfying the constraints for each of new document trees ([0087], [0077])

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- producing, from the at least one of the new document trees, one structured data such that it is suitable for input to a browser to render in a browser device ([0096], [0097], [0021], figure 2: writing the output document for different devices such as a phone or a computer from the document trees shows producing one structured data suitable for input to different browsers)
- node-to-node transformation of the nodes in the trees of the input document and output document ([0073] where data for displaying on a desktop can be translated to be displayed on a phone ([0069])

Richard does not disclose:

- determining sizing parameters for one or more new tree nodes of at least one of the new document trees

Easwar discloses different sizing parameters so that rendering of digital images is dynamically optimized or customized for different target devices ([0012]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have combined Easwar into Richard since Easwar shows that different target devices have different sizing parameters thus motivating to incorporate into different document trees for different display devices of Richard in effectively transforming data to be displayed in different device screens.

Regarding claim 2, which is dependent on claim 1, Richard and Easwar do not disclose that the sizing parameters include minimum display width.

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However, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to have modified Richard and Easwar to include the feature that the sizing parameters include minimum display width since different display screens have different sizing parameters including the smallest screen with minimum display width.

Regarding claim 25, which is dependent on claim 1, Richard discloses that the markup language is HTML ([0034], [0048]).

Regarding claim 38, which is dependent on claim 1, Richard discloses that said structured data is a structured document in a second markup language ([0069]: the WML tags are structured data of document in a second markup language).

Regarding claim 39, which is dependent on claim 1, Richard discloses that said browser device is palmtops, PDAs or data-enabled cell phones wirelessly connected with a small display areas and processing capacities ([0069]).

Claims 40-41, 50, 61-62 are for a computer readable medium of method claims 1-2, 25, 38-39, and are rejected under the same rationale.

Allowable Subject Matter

12. Claims 18-20, 29-37, 52-60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tierney et al. (US 5,513,315). Wittmer et al. (US 2007/0051685).

Huck et al. (US 2007/0185959).

Ko et al., A Structured Documents Retrieval Method Supporting Attribute-based Structure Information, ACM 2002, pages 668-674.

Fuller et al., Structured Answers for a Large Structured Document Collection, ACM 1993, pages 204-213.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cong-Lac Huynh whose telephone number is 571-272-4125. The examiner can normally be reached on Mon-Thurs (9:00-7:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cong-Lac Huynh
Primary Examiner
Art Unit 2178
8/10/07